

REMARKS

In response to the Office Action of November 30, 2004, claims 1, 3, 4, 9 11 and 12 are amended. Claims 1-13 and 21-25 are now pending in this application. Claims 14-20 are withdrawn as directed to a non-election invention. No new matter has been added.

The indication that claims 5-7, 10 and 21-25 are allowable, that claim 4 would be allowable if the noted objection is addressed, and that claims 2 and 8 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

OBJECTION TO CLAIM 4

Claim 4 is objected to for failing to provide proper antecedent basis for “the three-dimensional measuring device” recited in lines 6-7. By this response, claim 4 is amended to now recited “the two-dimensional measuring device” at lines 6-7. Consequently, withdrawal of the objection is respectfully solicited.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 3, 9 and 11-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Uomori et al. (USPN 6,587,183).

The Examiner points out that strobes (505 and 506) of Uomori et al. correspond to the three-dimensional measuring device according to the present invention. However, each of the strobes has **no** function for three-dimensional measurement by itself.

In contrast, the three-dimensional measuring device described in the present application itself has a function for three-dimensional shape movement. In this way, the device itself is

given measurement function so that operations can be performed efficiently with photo shoot and three-dimensional measurement being properly divided and that photo shoot and three-dimensional measurement can be performed at the same time. None of the cited references has such beneficial effects.

To expedite prosecution, independent claims 1, 3, 9, 11 and 12 are each amended to add the limitation that "the three-dimensional measuring device can perform three-dimensional measuring by itself". Since, as noted above, each of strobes 505 and 506 of Uomori et al. has no function for three-dimensional measurement by itself, amended independent claims 1, 3, 9, 11 and 12 are patentable over Uomori et al. Consequently, the allowance of amended independent claims 1, 3, 9, 11 and 12, as well as dependent claim 13, is respectfully solicited.

CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

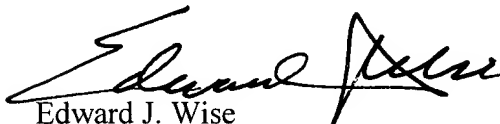
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Edward J. Wise', is written over a horizontal line.

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